

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Great White Bear, LLC,

Plaintiff,

-against-

Mervyns, LLC,

Defendant.

06 Civ. 13358 (RMB)(FM)

**RULE 26(a) INITIAL DISCLOSURES ON
BEHALF OF DEFENDANT MERVYN'S LLC**

Pursuant to Federal Rule of Civil Procedure 26(a), Defendant Mervyn's LLC ("Mervyn's") make the following initial disclosures:

Defendant makes these disclosures based on information currently available to Defendant at this time, following a good faith inquiry in accordance with Federal Rule of Civil Procedure 26(a). Defendant reserves the right to amend and/or supplement these disclosures and/or provide additional information during the course of discovery and to rely on or use such information, including as evidence in this action. Defendant makes the following disclosures prior to discovery as required by Federal Rule of Civil Procedure 26(a) without waiving any applicable privileges, including the protections of the attorney-client privilege and the work-product doctrine, and without admitting or waiving any argument and/or evidentiary objection with respect to the relevance, admissibility or authenticity of any disclosure.

Identification of Persons (Rule 26(a)(1)(A)):

Defendants believe that the following individuals are likely to have discoverable information relevant to disputed facts alleged with particularity in the pleadings:

1. Scott Jeffries, former Buyer, Junior Sportswear of Mervyn's. Mr. Jeffries is represented by counsel for Mervyn's and can be contacted through counsel. He has knowledge of Defendant's initial meetings and conversations with Plaintiff, as well as Mervyn's policies and procedures.

2. Robin Green, Divisional Merchandise Manager, Juniors/Apparel Seasonal, Mervyn's, 22301 Foothill Boulevard, Hayward, California 94541-2771. Ms. Green has knowledge of the facts pertaining to the specific purchase orders that Mervyn's placed with Plaintiff, as well as Mervyn's policies and procedures.

3. Laura (Willett) Espinoza, Buyer, Junior/Seasonal, Mervyn's, 22301 Foothill Boulevard, Hayward, California 94541-2771. Ms. Espinoza has knowledge of the facts pertaining to the specific purchase orders that Mervyn's placed with Plaintiff, as well as Mervyn's policies and procedures.

4. Heather Takagi, former Buyer, Junior/Seasonal, Mervyn's. Ms. Takagi is represented by counsel for Mervyn's and can be contacted through counsel. She has knowledge of the facts pertaining to the specific purchase orders that Mervyn's placed with Plaintiff, as well as Mervyn's policies and procedures.

5. Michael Wallen, Senior Vice President/General Merchandise Manager, Kids/RTW/Product Design and Development, Mervyn's, 22301 Foothill Boulevard, Hayward, California 94541-2771. Mr. Wallen has knowledge of the facts pertaining to the specific purchase orders that Mervyn's placed with Plaintiff, Mervyn's decision not to place any further orders with Plaintiff, and Mervyn's policies and procedures.

6. There may be additional persons who have discoverable information that Mervyn's may use to support its claims or defenses. Mervyn's reserves the right to supplement this disclosure in accordance with Fed. R. Civ. P. 26(e).

Identification of Documents (Rule 26(a)(1)(B)):

The following is a description of documents and electronically stored information currently in the possession, custody, or control of Mervyn's that may be used to support Mervyn's claims or defenses in this matter:

1. Hard copy files of emails, spreadsheets, and other miscellaneous documentation concerning the specific purchase orders issued by Mervyn's to Plaintiff for certain merchandise, currently located at the offices of Mervyn's counsel, Orrick, Herrington & Sutcliffe LLP.

2. Terms and Conditions applicable to purchase orders, currently located at the offices of Orrick, Herrington & Sutcliffe LLP.

3. Relevant electronic documents may exist in the following locations:

a. Electronically stored data located on the hard drives of Robin Green, Laura Willett Espinoza, Michael Wallen, individuals currently employed by Mervyn's.

b. Electronically stored data located on shared databases used by Buyers and others at Mervyn's.

Computation of Damages (Rule 26(a)(1)(C)):

At this time, Defendants have not filed any counterclaims. Defendants will seek their costs of suit and attorney fees if they prevail in this litigation.

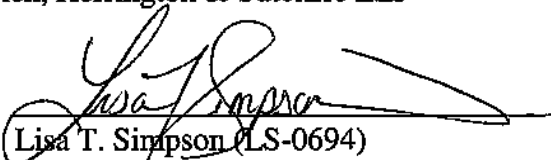
Insurance Agreements (Rule 26(a)(1)(D)):

Defendants are not presently aware of any policy which will provide insurance coverage applicable to Plaintiff's claims.

Dated: New York, New York
February 7, 2007

Orrick, Herrington & Sutcliffe LLP

By


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